

Application No. ZM-90-05, King's Creek Holding Co., LLC: Request to amend the York County Zoning Map by reclassifying a 0.73-acre parcel located at 1637 Penniman Road (Route 641) from RR (Rural Residential) to EO (Economic Opportunity) subject to voluntarily proffered conditions. The applicant has proffered that the property will become a part of the King's Creek Plantation timeshare resort currently under construction and will be subject to the same terms and conditions applicable to that development. The property is further identified as Assessor's Parcel No. 11-116 and is designated for Economic Opportunity development in the Comprehensive Plan; and

Application No. UP-658-05, King's Creek Holding Co., LLC: Request, contingent on the approval of Application No. ZM-90-05 above, for a Special Use Permit, pursuant to Section 24.1-306 (Category 11, No. 11) of the York County Zoning Ordinance, to authorize the construction of a timeshare resort on an approximately 0.73-acre parcel of land located at 1637 Penniman Road (Route 641). The applicant plans to incorporate this property into the King's Creek Plantation timeshare resort currently under construction on approximately 157 acres surrounding the property. The property, further identified as Assessor's Parcel No. 11-116, is zoned RR (Rural Residential) and is designated for Economic Opportunity development in the Comprehensive Plan.

Timothy C. Cross, AICP, Principal Planner, presented a summary of the staff report to the Commission dated January 27, 2005, in which the staff recommended approval.

The Chair opened the public hearing.

Mr. Daniel R. Quarles, Jones Blechman Woltz & Kelly, P.C., Newport News, represented the applicant. Mr. Quarles agreed with Mr. Cross's presentation and said that he and **Mr. Tom Ruth**, President of King's Creek Plantation, and **Mr. Osborne** of Landmark Design Group were available to answer questions.

Mr. Ptasznik asked how the proposed "cottages" compare to the existing units in the development. **Mr. Tom Ruth** said the proposed single-family cottages would have four bedrooms instead of three; they are similar in every other respect to the existing cottages.

Mr. Hamilton reported for the record that he is owner of two units at King's Creek and does not have a conflict of interest in considering this application. **Mr. Barnett** agreed, noting that Mr. Hamilton had sought and obtained his advice on the matter, and no conflict appears to exist.

Mr. Davis favored approval and thought the expansion would be good for the County.

Mr. Barba agreed, adding the development is attractive, a good source of revenue and a good employer.

Mr. Hamilton supported approval, noting the land would not appear to be profitable otherwise.

Mr. Simasek agreed the proposal would be a good use of the land.

Mr. Ptasznik moved adoption of proposed Resolution PC05-6.

PC05-6

On motion of Mr. Ptasznik, which carried 6:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A REQUEST TO REZONE A 0.71-ACRE PARCEL LOCATED ON THE SOUTH SIDE OF PENNIMAN ROAD FROM RR (RURAL RESIDENTIAL) TO EO (ECONOMIC OPPORTUNITY) SUBJECT TO VOLUNTARILY PROFFERED CONDITIONS

WHEREAS, King's Creek Holding Co., LLC has submitted Application No. ZM-90-05, which requests to amend the York County Zoning Map by reclassifying from RR (Rural Residential) to EO (Economic Opportunity) an approximately 0.71-acre parcel of land located at 1637 Penniman Road (Route 641) and further identified as Assessor's Parcel No. 11-116 (GPIN# H14d-4599-2268); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 9th day of February, 2005, that Application No. ZM-90-05 be, and it hereby is, transmitted to the York County Board of Supervisors with a recommendation of approval to amend the York County Zoning Map by reclassifying an approximately 0.71-acre parcel of land located at 1637 Penniman Road (Route 641), further identified as Assessor's Parcel No. 11-116 (GPIN# H14d-4599-2268), from RR (Rural Residential) to EO (Economic Opportunity) subject to the voluntarily proffered conditions set forth in the applicant's proffer statement, titled "Revised Proffers: Rezoning Application No. ZM-90-05" signed by B. M. Millner, Authorized Agent for King's Creek Holding Co., LLC and dated January 10, 2005, a copy of which shall remain on file in the Planning Division.

Mr. Staton moved adoption of proposed Resolution PC05-7.

PC05-7

On motion of Mr. Staton, which carried 6:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE THE INCLUSION OF A 0.71-ACRE PARCEL OF LAND LOCATED AT 1637 PENNIMAN ROAD INTO AN APPROVED 1,100-UNIT TIMESHARE RESORT

WHEREAS, King's Creek Holding Co., LLC has submitted Application No. UP-658-05 requesting a Special Use Permit, pursuant to Section 24.1-306 (Category 11, Number 11) of the York County Zoning Ordinance, to authorize a Special Use Permit for the inclusion of a 0.71-acre parcel of land located at 1637 Penniman Road (Route 641) and further identified as Assessor's

Parcel No. 11-116 (GPIN# H14d-4599-2268) into an approved 1,100-unit timeshare resort adjacent thereto; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 9th day of February, 2005, that Application No. UP-658-05 be, and it hereby is, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit for the inclusion of a 0.71-acre parcel of land located at 1637 Penniman Road (Route 641) and further identified as Assessor's Parcel No. 11-116 (GPIN# H14d-4599-2268) into an approved 1,100-unit timeshare resort adjacent thereto:

1. This Special Use Permit shall authorize the inclusion of a 0.71-acre parcel of land located at 1637 Penniman Road (Route 641) and further identified as Assessor's Parcel No. 11-116 (GPIN# H14d-4599-2268) into an approved 1,100-unit timeshare resort adjacent thereto.
2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the County prior to the commencement of any development or land clearing activities on the site. Such site plan shall be in general conformance with the conceptual plan titled "King's Creek Plantation, SPH & Washington Tract Exhibit," prepared by Landmark Design Group and dated January 6, 2005, a copy of which shall remain on file in the Planning Division.
3. On-site parking to serve the development shall be provided at a minimum ratio of 1.3 spaces per dwelling unit.
4. The entire development shall be served by public water and sanitary sewer.
5. The timeshare resort shall consist only of residential units for which the exclusive right of use, possession, or occupancy circulates among various owners or lessees thereof in accordance with a fixed time schedule, which may vary within certain specified time periods, on a periodically recurring basis.
6. Permanent year-round occupancy of any units by any individual or family other than that of a resident manager or caretaker and his or her family shall not be permitted.
7. All agreements and restrictions pertaining to ownership and maintenance of common areas on the site shall comply fully with Section 55-360 et seq., Code of Virginia, the Virginia Real Estate Time-Share Act. Certification by the developer's legal counsel that the referenced standards have been met shall be submitted with development plans.

8. All streets, drives, and parking areas in the development shall be constructed to VDOT cross-sectional street standards.
9. The existing driveway on Penniman Road shall be demolished and no vehicular access to Penniman Road shall be permitted on the subject parcel.

The applicant shall be responsible for compliance with the regulations in Section 24.1-115(b)(6) of the Zoning Ordinance that pertain to the recordation of this resolution in the office of the Clerk of the Circuit Court.

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